

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

BENJAMIN De JESUS CHECO
RODRIGUEZ,

Petitioner,

v.

CHARLES GREEN,

Respondent.

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Civil Action No. 16-5863 (JMV)

OPINION

APPEARANCES:

BENJAMIN De JESUS CHECO RODRIGUEZ
Hudson County Correctional Facility
35 Hackensack Ave.
Kearny, NJ 07032
Petitioner, *pro se*

THEO NICKERSON
U.S. Department of Justice
450 5th Street NW
Washington, DC 20530
On behalf of Respondent.

VAZQUEZ, United States District Judge

Petitioner filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 on September 22, 2016. (ECF No. 1.) He alleges a violation of his right to due process based on his prolonged pre-final removal order detention in the custody of Immigration and Customs Enforcement. (“ICE”). (ECF No. 1.) Petitioner was confined in Essex County Correctional Facility at the time he filed the petition, and he has been in custody since March 21, 2016.¹ (*Id.*)

¹ Petitioner has been moved to Hudson County Correctional Facility in Kearny, New Jersey.

Respondent submitted a letter response to the petition on December 21, 2016. (ECF No. 8.) Respondent does not object to a remand ordering an Immigration Judge to provide Petitioner with a bond hearing in accordance with 8 C.F.R. § 1003.19(c). The Court will, therefore, grant the habeas petition and order Respondent to provide Petitioner with a bond hearing. *See Chavez-Alvarez v. Warden York County Prison*, 783 F.3d 469, 478 (3d Cir. 2015) (due process requires that detention without bail pursuant to 8 U.S.C. § 1226(c) be limited to a reasonable period of time to further the goals of the detention statute.)

An appropriate Order follows.

Date: December 28, 2016
At Newark, New Jersey

s/John Michael Vazquez
JOHN MICHAEL VAZQUEZ
United States District Judge